

## Law Council expresses concern over mandatory sentencing proposals

The Law Council has today come out in support of the Law Institute of Victoria (LIV) to urge the Victorian Government to abandon mandatory sentencing proposals.

Law Council of Australia President, Mr Alexander Ward has expressed concern regarding mandatory sentencing and its return to the political agenda in several Australian jurisdictions and said the issue is a matter of national importance.

“The Law Council has long taken the view that mandatory sentencing represents an affront to established principles of criminal justice, particularly in view of Australia’s international human rights obligations,” Mr Ward said.

In addition to the LIV, the Law Council’s constituent bodies in Western Australia, Queensland, New South Wales and South Australia have also strongly opposed the introduction of mandatory sentencing for certain offences in their respective jurisdictions.

The arguments raised by the profession in each jurisdiction are remarkably similar-this is because people who actually work in the criminal justice system know mandatory sentencing does not work and has no proven deterrent effect.

“Mandatory sentencing reduces the incentive for offenders to plead guilty and can lead to an increased case load for the courts.

“Mandatory sentencing also prevents judges from imposing an appropriate penalty based on the unique circumstances of each offence and offender,” Mr Ward said.

The Law Council is also concerned about the disproportionately harsh effect mandatory sentencing can have on certain sectors of the community including Indigenous Australians, offenders with mental health issues, children and young people.

“Mandatory sentencing laws, in their content and operation, may breach Australia’s international human rights obligations under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Racial Discrimination.

“It is unfortunate so many jurisdictions are considering the introduction of some form of mandatory sentencing precisely at a time when the folly of the Commonwealth’s mandatory sentencing laws is attracting strident censure from judicial officers.

“Mandatory sentencing laws are the antithesis of fairness and have no place in the Australian criminal justice system,” Mr Ward said.

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